

Message Text

LIMITED OFFICIAL USE POSS DUPE

PAGE 01 STATE 074025

11
ORIGIN L-02

INFO OCT-01 ISO-00 EUR-12 EB-07 JUSE-00 SCA-01 FBIE-00

CIAE-00 INR-07 NSAE-00 /030 R

DRAFTED BY L/M:CLBLAKESLEY:AD
APPROVED BY L/M:KEMALMBORG
L - MR. FELDMAN
EUR/WE - BEIGEL
EB - MR. ORTMAN

----- 072302

R 021630Z APR 75
FM SECSTATE WASHDC
TO AMEMBASSY PARIS

LIMITED OFFICIAL USE STATE 074025

E.O. 11652: N/A

TAGS: CPRS, PFOR, FR

SUBJECT: EXTRADITION - HOLDER/KERKOW

REF: PARIS 7588

1. DEPARTMENT CONCURS IN EMBASSY'S CHARACTERIZATION OF
INEQUITIES RELATED TO ASSISTANCE IN ARTICLE 6 OF THE EXTRA-
DITION TREATY.

2. THE OBVIOUS INEQUITIES IN ASSISTANCE AFFORDED USG COM-
PARED TO THOSE AFFORDER GOF UNDER TREATY DEMONSTRATED BY
THIS CASE REQUIRE DEPARTMENT TO RETHINK POLICY OF ASSIS-
TANCE UNDER ARTICLE VI. USG IS HAPPY TO REPRESENT GOF
BEFORE US COURTS IN EXTRADITION CASES AND IT IS USG POLICY
TO DO SO. WE UNDERSTAND THE PROBLEMS RELATED TO HIRING
PRIVATE ATTORNEYS TO REPRESENT THE GOVERNMENTAL INTERESTS
IN AN EXTRADITION CASE, AND WE UNDERSTAND GOF REASONS FOR
REQUESTING THE CHANGES REFLECTED IN ARTICLE VI. NEVERTHE-

LIMITED OFFICIAL USE
LIMITED OFFICIAL USE

PAGE 02 STATE 074025

LESS, GIVEN THE PRESENT GOF INTERPRETATION OF ARTICLE VI
USG WAS CLEARLY BETTER OFF UNDER OLD TREATY. GOF IS REPRE-

SENTED IN THE ADVERSARY -- COMMON LAW SENSE BEFORE THE US
COURTS WHILE USG RECEIVES NO REPRESENTATION WHATSOEVER
BEFORE FRENCH COURTS. UNDER OLD TREATY WE WOULD HAVE HAD
REPRESENTATION AND COULD HAVE REPLIED TO DEFENSE ALLEGATIONS.

BECAUSE OF THESE INEQUITIES, DEPARTMENT BELIEVES IT IS
NECESSARY TO HAVE A MEETING WITH APPROPRIATE GOF AUTHORI-
TIES, AND L AND JUSTICE SO AS TO DETERMINE WHERE WE STAND
ON THIS POINT AND TO ATTEMPT TO FIND A SOLUTION TO OUR
PROBLEM SHORT OF DENOUNCING THIS PART OF TREATY AND GOING
BACK TO OLD TREATY LANGUAGE REGARDING ASSISTANCE BEFORE
THE COURTS. WE SHOULD AT LEAST MAKE IT CLEAR THAT WE WILL
LIMIT OURSELVES TO THE SAME "ASSISTANCE" AS WE ARE RECEIV-
ING FROM THEM. IT SHOULD BE EMPHASIZED THAT UNDER OUR
SYSTEM IF WE ONLY DID WHAT THEY HAVE DONE BY WAY OF
"ASSISTANCE" THEIR EXTRADITION CASES WOULD HAVE ABSOLUTELY
NO CHANCE OF SUCCESS BEFORE OUR COURTS. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION
Control Number: n/a
Copy: SINGLE
Draft Date: 02 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE074025
Document Source: CORE
Document Unique ID: 00
Drafter: CLBLAKESLEY:AD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750114-0899
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750488/aaaadcst.tel
Line Count: 78
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 PARIS 7588
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 13 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 MAY 2003 by izenbei0>; APPROVED <20 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXTRADITION - HOLDER/KERKOW
TAGS: CPRS, PFOR, FR, (HOLDER, WILLIAM), (KERKOW, KATHERINE)
To: PARIS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006